

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**GUY CLAYTON BARNES
ADC #93209**

PLAINTIFF

v.

Case No. 5:14-cv-159 KGB-JJV

RAY HOBBS, et al.

DEFENDANTS

ORDER

Before the Court are plaintiff Guy Clayton Barnes's second motion to reopen case and second motion for leave to proceed *in forma pauperis* (Dkt. Nos. 23, 24). This case was closed on December 10, 2014, when this Court adopted United States Magistrate Judge Joe J. Volpe's Proposed Findings and Recommendations and issued Judgment dismissing without prejudice the action (Dkt. Nos. 19, 20). Subsequently, Mr. Barnes filed his first motion to reopen case, which this Court denied (Dkt. Nos. 21, 22).

For his second motion to reopen case, Mr. Barnes appears to argue, mistakenly, that this Court had previously given him leave to file a motion to reopen case (Dkt. No. 23, ¶ 4). This Court has not given Mr. Barnes permission to do so. Mr. Barnes does not otherwise make any new contentions in support of his motion to reopen case. The Court sees no basis to reconsider its prior decisions dismissing without prejudice Mr. Barnes's claims. Therefore, the Court denies Mr. Barnes's motion to reopen case (Dkt. No. 23).

As for Mr. Barnes's second motion for leave to proceed *in forma pauperis* in this action (Dkt. No. 24), the Court denies the motion. Previously, this Court granted Mr. Barnes's motion for leave to proceed *in forma pauperis* in this action (Dkt. No. 1). However, this Court then revoked Mr. Barnes's *in forma pauperis* status because Mr. Barnes is a "three-striker" under the Prison Litigation Reform Act ("PLRA"), 28 U.S.C. § 1915(g) and does not qualify for one of the

exceptions (Dkt. Nos. 15, 17, 19). Mr. Barnes was ordered to pay the full statutory filing fee of \$400.00 within a set amount of time to proceed with this action; he failed to do so. As a result, the Court dismissed this action without prejudice (Dkt. Nos. 17, 19). Mr. Barnes now moves again for *in forma pauperis* status, submitting financial paperwork in an effort to qualify. Finances do not preclude Mr. Barnes from being granted *in forma pauperis* status. Instead, because he is a “three-striker” under the PLRA and does not satisfy any one of the exceptions set forth under the PLRA, this Court denies his request for *in forma pauperis* status here.

It is so ordered this the 30th day of June, 2017.



Kristine G. Baker
United States District Judge